



Legislation Details (With Text)

File #: 2024-0107 **Version:** 1 **Name:**

Type: Ordinance **Status:** Preliminary Item

File created: 1/3/2024 **In control:** Board of Commissioners - Zoning Meeting

On agenda: 3/28/2024 **Final action:** 3/28/2024

Title: COMMISSION DISTRICT(S): COMMISSION DISTRICT 04 SUPER DISTRICT 06
Application of Toxaway Automotive Group, LLC c/o Battle Law P.C., LLC for a Special Land Use Permit (SLUP) to operate a minor automotive repair drive-through facility for oil changes in the C-1 (Local Commercial) zoning district, at 2209 Lawrenceville Highway.

Indexes:

Attachments: 1. SLUP-24-1246801 (2024-0107) Recommended Conditions, 2. SLUP-24-1246801 March 2024 Staff Report 2209 L'ville Hwy

Date	Ver.	Action By	Action	Result
3/28/2024	1	Board of Commissioners - Zoning Meeting	withdrawn without prejudice	Pass
3/5/2024	1	Planning Commission	approved with conditions per staff recommendation	Pass

Public Hearing: YES NO **Department:** Planning & Sustainability

SUBJECT:

COMMISSION DISTRICT(S): COMMISSION DISTRICT 04 SUPER DISTRICT 06
Application of Toxaway Automotive Group, LLC c/o Battle Law P.C., LLC for a Special Land Use Permit (SLUP) to operate a minor automotive repair drive-through facility for oil changes in the C-1 (Local Commercial) zoning district, at 2209 Lawrenceville Highway.

PETITION NO: N3-2024-0107 SLUP-24-1246801

PROPOSED USE: Minor auto repair drive-through facility.

LOCATION: 2209 Lawrenceville Highway, Decatur, Georgia 30033

PARCEL NO. : 18-100-01-004

INFO. CONTACT: Lucas Carter, Planner

PHONE NUMBER: 404-371-2155

PURPOSE:

Application of Toxaway Automotive Group, LLC c/o Battle Law P.C., LLC for a Special Land Use Permit (SLUP) to operate a minor automotive repair drive-through facility for oil changes in the C-1 (Local Commercial) zoning district.

RECOMMENDATION:

COMMUNITY COUNCIL: Approval.

PLANNING COMMISSION: Approval with Conditions.

PLANNING STAFF: Approval with conditions.

STAFF ANALYSIS: The application is proposing a Special Land Use Permit (SLUP) for transitioning the subject property from a tire shop to a drive-through oil change facility within the C-1 (Local Commercial) Zoning District. Both the previous tire shop and the proposed oil change operation are allowed as permitted uses in the C-1 zoning district under the “minor auto-repair” land use category. The operation of the previous tire shop included two bays and required that customers exit their vehicles for tire installation services. The proposed oil change operation will continue to use the existing two bays but will allow the customers to stay in their vehicles while oil changes are being completed which qualifies the operation as a drive-through facility. A SLUP is required to address this drive-through component of the oil change operation per section 27-4.1.3. Based on the submitted information, it appears that the proposed use of the site aligns with the dimensional requirements of the C-1 Zoning District, with adequate land area available for the intended purpose. No change in land use, building footprint, or ingress/egress are proposed, and traffic flow should not be impacted by the proposed drive-through operation as ingress and egress remain unchanged. Furthermore, the proposal complies with all drive-through facility supplemental regulations as required by Section 4.2.23 of the *Zoning Ordinance*. Transitioning to an oil change facility is not anticipated to significantly alter the traffic volume, noise, or other quality of life factors, while maintaining compatibility with adjacent properties and land uses. The transition is not expected to impose additional strain on public utilities or services, given the similarity in nature between the proposed and existing businesses. Based on the submitted renderings and landscape plan, it appears that the proposed drive-through facility is consistent with the policies and strategies of the Commercial Redevelopment Corridor (CRC) calling for improving the function and aesthetic appeal of commercial corridors in the County and promoting the redevelopment of commercial corridors in decline. The transition of the subject property to a drive-through oil change facility satisfies the criteria outlined for a Special Land Use Permit. The proposal demonstrates compatibility with existing regulations, minimizes adverse impacts on surrounding properties, and aligns with the community's long-term development objectives. Therefore, based on review of Section 7.4.6., Staff recommends “Approval with the attached conditions”.

PLANNING COMMISSION VOTE: Approval with Conditions 8-0-0. LaSonya Osler moved, Jan Costello seconded for approval with four (4) conditions, per Staff recommendation.

COMMUNITY COUNCIL VOTE/RECOMMENDATION: Approval 10-0-0.